IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21440 of 2004

Between:

N. Babu Rao, S/o. M. Sanjeeva Reddy,
P.No.E.88919, APSRTC, Waltair Depot, Visakhapatnam.

..... PETITIONER

AND

1. Andhra Pradesh Road Transport Corporation, Rep. by its Vice Chairman and Managing Director, Musheerabad, Hyderabad.
2. The Divisional Manager (U) APSRTC, Dwaraka Bus Depot, Visakhapatnam.
3. The Depot Manager APSRTC, WaltairBus Depot, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue any Writ order or direction particularly one in the nature of Mandamus declaring the Proceedings NO.P2/197(1)04-WTR dated 13-09-2004 as arbitrary, illegal, violative of Article 14, 19 & 21 of the Constitution of India, violative of principles of natural justice and consequently by nullifying the same direct the respondent Corporation to forthwith reinstate the petitioner into service together with all attendant and consequential benefits.

Counsel for the Petitioner:DR.P.B.VIJAY KUMAR

Counsel for the Respondent Nos.1 to 3: KUM.B.G.UMA DEVI

The Court at the admission stage made the following Order:

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION NO.21440 OF 2004

ORDER:

This writ petition is filed to issue a Writ of Mandamus declaring the proceedings No.P2/197(1)04-WTR dated 13.09.2004 as illegal and arbitrary.

The petitioner joined the respondent-Corporation as mechanic on 25.10.1979. While so, the petitioner was issued with a charge sheet dated 15.05.2004 framing charges against him. After conducting departmental enquiry, the disciplinary authority passed the impugned order dated 13.09.2004 imposing the punishment of removal from service. According to the petitioner, he preferred a statutory appeal dated 27.09.2004 to the second respondent and since no action has been taken so far, the petitioner has come up with the present writ petition.

It is not disputed before this Court that against the order of removal, an appeal shall lie to the second respondent and as a matter of fact, the petitioner preferred an appeal on 27.09.2004 to the second respondent, but so far no orders have been passed. Since it is the statutory duty of the second respondent to pass appropriate orders on the appeal filed by the petitioner, I deem it appropriate to dispose of the writ petition directing the second respondent to pass appropriate orders on the appeal dated 27.09. 2004 within a period of six weeks from the date of receipt of a copy of this order.

The Writ petition is accordingly disposed of. No costs.

24.11.2004

usd

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1. The Vice Chairman and Managing Director, Andhra Pradesh Road Transport Corporation, Musheerabad, Hyderabad.

2. The Divisional Manager (U) APSRTC, Dwaraka Bus Depot,

Visakhapatnam.

3. The Depot Manager APSRTC, WaltairBus Depot, Visakhapatnam District.

4. Two CD copies.